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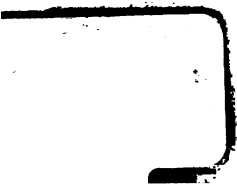
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May, 24, 09

# PRISON SYSTEM OF MICHIGAN

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AN ACCOUNT

OF THE

PENAL AND PENITENTIARY SYSTEM

AND

INSTITUTIONS OF THE STATE OF MICHIGAN

WITH A CONSIDERATION OF IMPROVEMENTS

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By O. M. BARNES,  
President of the Joint Prison Boards

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## PREFACE.

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The occasion which led to the preparation of the following paper was this: The International Prison Commission, an organization composed of representatives from different nations, is engaged in collecting information from the various states and countries as to their prison systems with a view to exhibit the condition of prison systems at the close of the present century. A communication from the American member of the commission, Hon. Samuel J. Burrows of Massachusetts, addressed to the Governor requesting an account of the prison system of Michigan, was referred by his Excellency to me. The first part of this paper contains the account furnished the commissioner. The following extract from his communication will be useful to explain the purpose of the commission and the scope which the account was expected to take.

1. **PENITENTIARY SYSTEM.** What system is used in your State,—the solitary system, the system of progressive classification, the congregate system? If different systems are in use, in what proportion? How are the prisons classified according to the category of prisoners? What is the number of prisons of each class? What was the number of convicts of each class last year?

2. **GENERAL ADMINISTRATION.** Are all the prisons in your State under one central authority? If not, where is the general administration? In any case, what are the results?

3. **DISCIPLINE.** What is the special object of the discipline, to intimidate, or to reform the prisoner? Is there an effort to develop hope in him? Are rewards, or punishments, preferred as means of discipline? What rewards? What punishments?

4. **MORAL AND RELIGIOUS INFLUENCE.** What means of moral influence are employed by the administration? Are voluntary visitors admitted who may try to improve the morals of the prisoner? What are the results?

5. **INSTRUCTION.** How much schooling have the prisoners had at the time of incarceration? What provision is made for instruction during imprisonment? By means of schools, libraries, etc.?

6. **WORK.** Is there any distinction made between penal and industrial work? How is it organized? Is it given to contractors or directed by the administration itself? Which system do you prefer and what are the reasons for your preference? Are the products of the labor enough in all or in some prisons to meet expenses? If not, what is the amount of deficit?

7. **ADMINISTRATIVE PERSONNEL OF PRISONS.** How are prison employees chosen and for how long a time? Is there any political influence in selecting them, and what is the result? What are the qualifications and duties of the employees? Are there special schools to prepare prison employees for their duties? Do you regard such schools as essential to the good administration of a prison?

8. **SANITARY CONDITION OF PRISONS.** Dietary, ventilation, neatness, sickness, mortality.

9. **MORAL REFORM OF CRIMINALS.** Do the prisoners go out of prison better or worse than they were when they came in? What is the number, or the proportion, of recidivists?

10. **SENTENCES.** Is it the usage of your state to repeatedly sentence the same person for trivial faults to short terms of imprisonment? Has the method of simple admonition, probation, conditional sentence for first offence, cumulative and indeterminate sentences, been introduced in your State? What are the effects of these different kinds of sentence in the increase or diminution of crime?

11. **CHARACTER AND CAUSE OF CRIME.** What are the most frequent crimes or misdemeanors in your State? What are the chief causes of them?

## PRISON SYSTEM OF MICHIGAN

12. REFORM SCHOOLS FOR JUVENILE OFFENDERS. What is the number, character and general result of these institutions in your State? What is the number of inmates?

13. AID TO DISCHARGED CONVICTS. How many societies have you to look after discharged convicts? What are their duties? What results do they get?

SAMUEL J. BARROWS,  
STATE DEPARTMENT,  
Washington, D. C.

The second part of the paper is a discussion of improvements in the system and its administration.

## FIRST PART.

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### AN ACCOUNT of the Penal and Penitentiary System and Institutions of the State of Michigan.

#### I.

##### OF PUNISHMENT.

Punishments imposed for crime and misdemeanor are fines and imprisonment—one or both. Corporal punishment is not adjudged in this State for any crime. Nor is the death penalty inflicted except for treason, and there has been no trial for treason since the organization of the State. Neither is permanent legal disability imposed as a consequence of conviction. Imprisonment may be for life, and for murder in the first degree may be solitary confinement. In practice solitary confinement is not continued beyond a few months except in extreme cases, because of its injurious effects upon the health and mental capacity of the convict.

#### II.

##### THE PRISONS AND OTHER PLACES OF DETENTION AND THEIR SUPERVISION.

Accused persons before conviction and sentence, if not allowed out on bail are confined in the jails awaiting trial. All counties have a county jail. It is in charge of the sheriff of the county. These, besides being places of detention of accused persons awaiting trial, are made use of as places of punishment for minor offenses.

The places provided for the imprisonment of offenders after sentence are:

First, The State Prison, located at Jackson.

Second, The branch of the State Prison, located at Marquette.

Third, The State House of Correction and Reformatory, located at Ionia.

Fourth, The Detroit House of Correction, located at Detroit.

Fifth, The Michigan Asylum for Dangerous and Criminal Insane, located at Ionia.

Sixth, The Industrial School for Boys, located at Lansing.

Seventh, The Industrial Home for Girls, located at Adrian.

These institutions are each governed by a board of control consisting of three members besides the Governor of the State, who is a member ex officio of each. The members of the board are appointed by the Governor by and with the advice and consent of the senate. The term of office is six years. Of each prison the chief officer is a warden. The chief officer of each of the other institutions is denominated a superintendent. The superintendent of the Asylum for Insane Criminals is a physician and denominated the medical superintendent. The superintendent of the In-



dustrial Home for Girls is a woman and the board of control is composed in part of women. The prisons have their forces of guards, keepers and other officers; the Industrial School for Boys and the Industrial Home for Girls their forces of attendants and teachers, and the Asylum for Insane Criminals its force of attendants. The following table will exhibit the employees of each institution, as shown by the last official report, together with the number of inmates in each:

	Employees.	No. of inmates.
The State Prison .....	55	852
Branch of Prison at Marquette .....	24	200
State House of Correction .....	53	477
Asylum for Dangerous and Criminal Insane.....	47	240
Detroit House of Correction .....	45	653
Eighty-eight of whom were females.		
Industrial School for Boys .....	50	582
Industrial Home for Girls .....	38	300
Total .....		3,384

The prison force in all cases includes a deputy warden, a clerk, a physician and a chaplain. The warden of each prison is appointed by its board of control, and so the superintendent of each of the other institutions is appointed by its board. They hold their offices indefinitely. They cannot be removed except for cause, but may be removed at any time for business reasons. (See Secs. 4 and 5, Act 118, Laws 1893.) The subordinate officers of the prison are appointed by the warden subject to the approval of the board, and hold office during the pleasure of the warden and the board, and the same is the case in the prison for criminal insane, and the institutions for juvenile offenders. The superintendent appoints the officers and employees under him or her with the approval of the board, and the tenure is the same.

#### SUPERVISION.

No central supervision of the penal institutions exists, but the boards of the three prisons meet in joint session every six months to determine the lines of industry to be pursued, and to discuss matters of common interest. Each warden and superintendent makes a monthly statement of the affairs of his institution to its board of control. The boards themselves make a monthly examination, and every two years a full report to the Governor of the State, of the operations and conditions of their respective institutions. These reports are printed and laid before the legislature.

### III.

#### ASSIGNMENT OF OFFENDERS.

The assignment of offenders to the different institutions is substantially the following: On conviction of any of the graver offenses the convict is sent to the State Prison or to the branch of the State Prison. For any of the less grave offenses to the State House of Correction at Ionia,

or to the Detroit House of Correction. On conviction of murder the offender must be sent to the State Prison or to the Branch of the State Prison. Only male convicts are sent to the State House of Correction. Females, if not sent to the State Prison, are sent to the Detroit House of Correction. Murderesses are sent to the State Prison but may be transferred to the Detroit House of Correction. Young offenders under the age of sixteen, if a boy, and seventeen if a girl, on conviction of any offense not punishable by imprisonment for life, unless incorrigible, or unfit from disease for a reformatory, are sent, the one to the Industrial School for Boys, and the other to the Industrial Home for Girls; the boys until they reach the age of seventeen, the girls twenty-one, unless sooner discharged by the board of control.

The board is authorized to discharge these juvenile offenders before the expiration of their terms if they have become reformed. The theory in regard to them is that training, education and discipline are the means most effectual to protect society and save the offender. The law provides that they "shall be kept disciplined, instructed, employed and governed" until they be reformed and discharged or until they arrive at the age prescribed for release. (How. Stat. Sec. 9819.) These institutions for juvenile offenders combine the characteristics of the home, the school and the place of correction. If the person be so vicious and incorrigible as to be unfit for these institutions and yet be within the ages named, the sentence is to the penal institution indicated by the sex, age and crime.

Juvenile disorderlies and truants of both sexes are committed to these homes for detention, discipline and schooling, but only when suitable private homes cannot be obtained for them, and until such homes can be arranged for them.

These institutions are not surrounded by walls as the prisons are, nor are the windows grated. The inmates are classified and assigned to different dormitories, each of which is under the care of a teacher or matron, or both. All the inmates attend the schools.

Industries suited to the sex and condition of the inmates are taught in these institutions for juvenile offenders. Each institution has a farm and garden connected with it: The Industrial School for Boys, its shops; the Industrial Home for Girls, its work-rooms also. It must be admitted that the title "Industrial School" does not indicate the purpose of the institution but only one of its methods. It was instituted and is maintained for the detention, correction, discipline and instruction of young offenders. Its original title was "House of Correction." It continues to be a place of actual detention, discipline and correction. General education and instruction in industries are the most conspicuous means employed. Some have questioned the propriety of dropping the more deterrent name and substituting in its place the present one on the ground that this impairs the deterrent influence of the institution.

#### IV.

##### SPECIAL PROVISIONS REGARDING JUVENILE OFFENDERS.

There exists in each county of the State an agent of the Board of Corrections and Charities appointed by the Governor. When a complaint is made to a magistrate against a juvenile offender for an offense, not pun-

ishable by imprisonment for life, this agent is notified before further proceedings. He examines the case as well as the parentage and circumstances of the accused, and advises with the magistrate. The accused may be returned to parents, guardian or friends, or, on proof of the offense charged, bound out to some suitable person, or discharged on suspended sentence, or fined, or sent to the Industrial School if a boy, to the Industrial Home if a girl, as the character of the accused and the nature of the offense may seem to require. If the offense charged be disorderly conduct (and this includes truancy), and the offender between the ages of eight and fourteen, it is the duty of the magistrate, if it be the first offense, to suspend sentence. As a conviction impairs self-respect and is an obstacle to success in life, if there is reason to believe that the accused will be deterred from further offense by admonition, and the offense be minor, some magistrates do not proceed to a conviction, but give the person accused an opportunity to save himself from the stigma of a conviction by thereafter observing the law.

This course in the hands of discreet magistrates is attended with good results. There were 1,185 arrests of juvenile offenders during the year last reported; 558 of those arrested were returned to parents or discharged; 176 released on suspended sentence; 117 fined; 274 committed to the Industrial School or Home.

## V.

### PLACING BOYS AND GIRLS IN PRIVATE FAMILIES.

The inmates of the Industrial Home for Girls and the Industrial School for Boys are put out in private families whenever in the judgment of the board of managers on the recommendation of the superintendent this course is best for the inmate and the State. If the inmate's parents or guardian be suitable custodians he may be returned to them or him in such case. In practice those committed to these institutions remain therein only about one-half of their term on an average. Those out on parole and in families remain in charge of the institution till the end of the term for which they were committed unless sooner discharged by the board on reformation. The superintendents keep watch over them and those who have them in their families, and may take them back into the institution at any time the superintendent deems this course the best. A life in a suitable family is deemed better than a too prolonged detention in the public institution. For the purpose of such supervision of the inmates out in families, the superintendent or some suitable officer visits these boys and girls as often as is deemed necessary and so does the agent of the Board of Corrections and Charities. And they and the families that have them are required to report from time to time, by which means the superintendent is kept informed. At the close of the last biennial period, June 30, 1898, there were out on leave or in families from the Industrial School 272 boys, and from the Industrial Home 108 girls, still in charge of these institutions.

## VI.

## THE DANGEROUS AND CRIMINAL INSANE.

Persons accused of committing or of attempting to commit crimes but who cannot be tried because of their insanity, also those who are accused, tried and acquitted on the ground of their insanity, if the insanity continues, and also those convicts that become insane during their imprisonment in the prisons, are committed to the prison for the Dangerous and Criminal Insane where they are treated for their malady the same as in other asylums for the insane. If the convicts recover before the end of their term of imprisonment they are returned to the prison from whence they came.

One who cannot be tried because of insanity may be tried after he is cured, provided his insanity arose after he committed the offense imputed. In the other cases the inmate is discharged when cured, by the board of control on the recommendation of the medical superintendent.

## VII.

## SENTENCE.

Question. "Is it the usage of your state to repeatedly sentence the same person for trivial faults to short terms of imprisonment? Has the method of simple admonition, probation, conditional sentence for first offence, cumulative and indeterminate sentences, been introduced in your state? What are the effects of these different kinds of sentence in the increase or diminution of crime?"

The indeterminate sentence of convicts does not exist in this State. A law passed some years ago did provide for an indeterminate sentence in certain cases at the discretion of the court. It was held unconstitutional so that it is not in force.

The principle of it exists and has for many years in the case of persons sent to the Industrial School for Boys and to the Industrial Home for Girls. The boards of these institutions have each the power to release the inmates when they are reformed and cured of the evil habit at any time before the end of the sentence. But this principle is not applied to adult inmates of the prisons. The prisoner in certain cases, however, may be allowed on parole for the last part of his term, but the parole does not have any effect on the term of the sentence of imprisonment nor does it take away the liability of the convict to be returned to and kept in the prison.

## SUSPENDED SENTENCE.

Express provision exists for release on suspended sentence in the case of juvenile offenders, and the same course is sometimes pursued with adults on first conviction for minor offenses.

## HABITUAL OFFENDERS.

The practice exists in this State as in many others, of sentencing offenders guilty of repeating minor offenses to quite the same punishments for the second and subsequent offenses as for the first. The result is that

many of this class repeat similar offenses many times and are convicted over and over. The more discreet magistrates, however, increase the punishment on the second and subsequent convictions. Many of those best qualified to judge believe that the treatment of this class of offenders should be reformed and public opinion is strongly tending towards the conclusion that such convicts should be treated with reference to their character and habits rather than for one particular offense, disconnected from the preceding ones, and that they should be treated for a cure of the habit, and to this end that, on being adjudged habitual misdemeanants or criminals, they should be sentenced to imprisonment for an indefinite period or for a definite period with provision for an earlier release on reformation, to be released, quite as the insane are from the asylum or the sick from the hospital, when they are cured of the criminal habit: That the power to place such habitual offenders on parole should exist and that before final release they should be placed on parole to test their reformation, so that, before the end of their term, if found to still have the criminal habit, they can be returned to prison for violation of the parole until they are cured.

The principle of progressive increase of punishments for repetition of the same offense exists in respect to disorderlies. The penalty is increased on the second conviction, and still more on the third, but the character of the penalties remain the same, deterrent merely, and magistrates quite generally neglect to inquire into the antecedents of such offenders, or to pursue the requirements of this statute. Many believe more reformatory and curative treatment should accompany the deterrent measures already authorized.

## VIII.

### PENITENTIARY SYSTEMS.

All the prisons of this State are conducted on what is known as the congregate plan, that is, the convicts work in company in shops, take at least two of the meals in the same common dining room, attend religious services in the same chapel; those that are required or permitted to attend the prison school, meet together in classes. But while this is true, each prisoner has his separate cell in which he sleeps and is confined at night and when not at work, in the chapel, taking exercise, or in the school room. Only one prisoner is confined in the same cell. Convicts that can not work are given exercises in the yard. Incurrible convicts ( of which the number is very small), are kept in their cells except when exercising. They work alone in their cells.

The silent system, as understood, does not exist in the prisons, but conversation among prisoners is not allowed except at particular times.

## IX.

### THE DISCIPLINE.

It is both deterrent and reformatory. Both rewards and punishments are employed. For good behavior the prisoner gains good time, gains in grade and in privileges, while loss of these follow infraction of rules. Corporal punishment is also inflicted sometimes for misconduct. The loss

of grade and privileges is found among the most effectual means of securing obedience and promoting reformation.

Prison discipline is contemplated by our prison authorities as similar in its essential features and purposes to army discipline; the purpose in the one case being to make effective soldiers out of raw recruits and in the other to make law-abiding, self-supporting citizens out of convicts.

It is not peculiar in its methods: The mother trains her children to be courteous and polite by requiring them to refrain from rude acts and to do proper ones, even before they appreciate the reason for courtesy and civility. Aristotle taught more than two thousand years ago that by the doing of right acts men acquired the virtues, and modern masters teach us that the doing of right, proper and useful acts most naturally leads the doer to the possession of the virtues that dictate them. The same principle dictates the prison discipline. Hence the prisoner is required to abstain from wrong and required to do right, proper and useful acts with exactness and punctuality.

The first step, or one of the first, with the adult is to impart a knowledge of the right way of life; the second is to procure conformity to this right way. This last the discipline attempts to accomplish by insisting on right practice till this is seasoned and fixed into a permanent habit. The discipline is calculated on the one hand to lessen the disposition to do wrong and on the other to make the convict afraid to do so whether in prison or out of it. Reformation and deterrence go together. Convicts not at first susceptible to mere reformatory work become so when deterrent measures are resorted to, while some not influenced by reformatory measures are reduced to obedience by deterrent ones.

A question has sometimes arisen as to the relative importance of deterrence and reformation in the prison system. Neither is given exclusive attention to the neglect of the other. In all our prisons effort is made to reform convicts, not excepting even those who are under life sentences. And in all reformatories there is more or less coercion and deterrent treatment of the inmates.

The deterrent features of the imprisonment do more to restrain than the reformatory ones; that is, the fear of the privations, disgrace and suffering that follow penitentiary imprisonment deters more than the fear of reformatory treatment. The one is more prominent in the penitentiaries, the other in the reformatories; the one more necessary with one class; the other more effectual with another. Both are combined in some cases. There is correction for reformation, and progress made in reformation makes less correction effective.

The discipline in the Michigan prisons differs from that found in some other prisons in this, viz.: It is understood that in some prisons unnecessary and useless acts, and observances as well as useful ones, are selected as means of discipline. A compliance with these is exacted. The compliance is useless except to evince obedience. In this state the acts which the prisoner is required to do and the conduct which he is required to pursue are necessary, useful and proper, so that the prisoner sees that what he is required to observe and do is right and useful in itself. Compliance with a requirement to do useful, proper and necessary acts is found easier and better calculated to build up moral character than a compliance with mere useless and technical acts. The performance of acts because they are right, proper and useful is believed to be better

calculated to inculcate the virtues that underlie them as, "by doing right acts men acquire the virtues."

Toward imparting information as to duties in prison each convict is furnished with a copy of the rules. If he cannot read or does not understand the English language the rules are interpreted to him. The following section of the statute relating to this matter applies to all the prisons:

"Sec. 30. Respecting each prisoner received into either prison upon direct sentence thereto, the board shall cause to be entered from time to time in a register such facts as can be ascertained of parentage, and of early social influence as seem to indicate the constitutional and acquired defects and tendencies of the prisoner, and based upon these an estimate of the character of the prisoner, and the best probable plan of treatment. Upon such register shall also be entered from time to time, minutes of observed improvement, of deterioration of character, and notes as to methods of treatment employed, and all orders or alterations affecting the standing or situation of prisoners, and any facts of personal history which may be brought to the knowledge of the board affecting the question of transfer to another prison, of the final release of the prisoner, or his being suffered to go out on parole." (Act 118, Laws 1893.)

While the discipline necessarily contemplates the safety of the prison, it has for its great object the fitting of the convict for life as a member of society. It seeks to do this by enabling him to appreciate a right course of life, making him disposed to conform to and afraid to depart from it.

In this view of the case he is asked to discipline himself; somewhat in the same spirit as the pupil who would advance in his studies is advised to subject himself to a rigid discipline. Self-discipline is deemed better than enforced obedience.

Hope is inspired; so is self-respect, as dispositions calculated to aid the prisoner's reformation. For example, when a prisoner is allowed out of prison on parole he does not wear clothing such as he wears in the prison, lest it should indicate he is a prisoner and draw down upon him disparagement. This is done so that he may be received according to his conduct and see the advantage of right behavior. A convict would be regarded as hardly fit to be paroled if he could wear prison clothes out of prison without mortification.

If the sentence of the adult convict were so that discharge might be in some particulars dependent on reformation after sentence, it is believed reformatory discipline would be still more productive of good results.

Corporal punishment is sometimes administered by means of a leather paddle (the lash on the bare back is prohibited by law). But any corporal punishment in the prison is now rare. Convicts are sometimes locked in and handcuffed to the doors of the punishment cell for short times as a punishment.

To those in the first and second grades the loss of grade and the privileges incident thereto and the fact that no deduction from the sentence called "good time" is allowed for any month in which an infraction of the rules is recorded against the convict and the fact that no one can be paroled if an infraction is recorded against him within the preceding year are, when the rules are strictly adhered to and enforced by the officials, important means for procuring good behavior.

A low diet is also employed in some cases as a punishment alone or in connection with other measures. Where tobacco is allowed (and it is

allowed to some prisoners) the denial of this for a time is likewise done for a correction. The taking away of the cell light temporarily (one is allowed in the cell ordinarily for a time in the evening) is also sometimes done as a punishment.

The number of letters a convict may write to go out is dependent somewhat on his grade and behavior. This also has its influence on his conduct.

## X.

### MORAL AND RELIGIOUS INFLUENCE.

In the principal prisons the chaplain devotes his entire time to the instructing of the inmates in religion and morals. Besides the services of the chaplain all the prisons employ teachers for the prison school. A prison library is maintained by each prison for the use of the prisoners. Lectures are also delivered to the inmates at times. Voluntary visitors are seldom admitted to try to improve the morals of the convicts, the administration being of opinion that the experienced chaplain can be of more service than the volunteer. But if a convict desires to see a priest or minister of a particular denomination his request is granted when it can consistently be done. Every convict is supplied with a bible.

## XI.

### INSTRUCTION.

The degree of illiteracy among prisoners in this state is shown proportionately by taking the case of the prisons. There were received in these institutions during the two years ending June 30th, 1898, 1,310 convicts. Of these, 1,070 could read, write and cipher; 1,158 could read and write, and 1,184 could read only, and the remaining 126 were wholly illiterate.

All the prisons maintain schools for the education of the convicts and valuable results are realized from work in this direction. Many wholly unable to read when they came to the institution have acquired the common school education. The library of the state prison alone contains over 3,000 volumes and is well patronized by the convicts.

The moral standing of convicts when received and the effects of imprisonment are shown approximately by these facts. Of the 525 convicts received at the state prison during the two years ending June 30, 1898, 394 were undergoing the first conviction, 108 their second; 16 their third and seven their fourth or subsequent conviction. Approximately a fourth of the serious crimes had, during the two years been committed by the small number who had been once or more times in prison. The proportion of repetitions was less than it had been the two years ending June 30, 1896. Fifty-one of these convicts were convicted of crimes involving life; 80 of crimes involving virtue; 394 of crimes involving property.

## XII.

### CLASSIFICATION OF CONVICTS.

The inmates of the institutions are graded and classified into three grades according to their moral character and conduct in the prison, and a record is made of the conduct of each prisoner.



On being received into the prison the convict is placed in the middle or second grade. If he is guilty of misconduct of a serious nature he is reduced to the third grade, but not till he has had his opportunity to evince character. On the other hand as soon as he has served one-fourth of his term, if his record for the six months preceding be free and no ground exist against him, he is promoted to the highest grade. He is thus graded or advanced from one grade to another according to his conduct.

The prisoner's privileges are according to his grade. In the state prison those in the third grade wear striped clothing, but only those. The other grades have their appropriate clothing. Of 852 convicts in the state prison July 1, 1898, 704 were in the first grade, 98 the second and 14 the third.

### XIII.

#### GOOD TIME.

Prisoners under first conviction may, by good conduct, that is, avoidance of infraction of the rules, shorten their sentences. For each month during which there is no infraction of the rules, they receive credit as follows:

During the first and second years five days for each month. During the third and fourth years, six days; fifth and sixth years, seven days; seventh, eighth and ninth years, nine days; tenth, eleventh, twelfth, thirteenth and fourteenth years, 10 days; fifteenth, sixteenth, seventeenth, eighteenth and nineteenth years, 12 days. From and including the twentieth year, 15 days.

No credit or good time is allowed for any month in which the prisoner has been guilty of an infraction of the rules.

"A convict serving a second sentence in the prison is allowed for the several periods in order named above, two, three, four, five, six, seven and eight days as good time and no more. And if any convict has already served a second term in prison he shall be allowed no good time."

The board may, by general rule, prescribe how much of the good time earned under the foregoing provisions a convict shall forfeit for more than one infraction of the rules in any month and for any serious act of insubordination, attempt to escape or escape, the board may by special order take away any portion or the whole of the good time made by any convict up to the date of such offense. On recommendation of the warden, the board may, as a reward for specially meritorious conduct, such as aiding officials in cases of insubordination or attempt at escape, restore to any convict the whole or any portion of the good time lost because of any minor infraction of the rules. One of the ordinary penalties for the infraction of the rules is the forfeiture of good time previously earned and the refusal of good time for the month in which the infraction occurs.

### XIV.

#### THE PAROLING OF PRISONERS.

Convicts serving sentences other than a sentence for life, may be paroled by the governor in certain cases and on certain conditions. They may thus be allowed to spend a part of the sentence outside of the prison

but always until the end of their term under surveillance and certain stringent conditions. No convict can be paroled if he has previously served two terms of imprisonment for felony.

Nor can any one be paroled till he has served half of his sentence. Nor can he be properly allowed on parole until he has endured punishment sufficient to vindicate the justice of law and induce contrition.

Besides these provisions the rules require that the convict shall have been in the first grade at least six months continuously before the time he is recommended for parole and that his conduct in prison has been such as to satisfy the board and warden that he is a reformed man and that, if allowed on parole, he will observe the laws and conduct himself properly. Before he can be allowed on parole employment must be found for him and some proper person must be found who will undertake in writing to look after him and report his behavior, as often as once a month, to the warden of the prison. Those on parole are subject to be returned to prison whenever the governor for any cause, such as unsuitable surroundings, misconduct, etc., deems it best they should be back in prison; and they are uniformly taken back into the prison for any violation of the rules governing the conduct of prisoners on parole. Briefly stated, two conditions are required to exist in order to justify the paroling of adult convicts: First, the convict must have earned his parole by good conduct and reformation. Second, it must appear to the warden and Boards of Control that the circumstances which will surround him on parole will be more conducive to his permanent reclamation and rehabilitation than spending the same time in the prison. The convict is not paroled as a matter of clemency, but as judicious treatment with a view to promote and test his reform and to establish him in some work or occupation while the prison authorities still have control over him.

Conduct in a state of liberty such as the convict enjoys on parole is deemed the surest test of reformation. By the parole system this test can be made before final release, and while there is still opportunity to make some further correction if the convict has been prematurely trusted.

The fitness of the prisoner for parole is determined from his character and record, quite the same as the student's fitness for graduation is determined from his daily recitations and final examination. Petitions from friends of the prisoner and other outside influences are not deemed proper to be considered any more than such would be in behalf of the graduation of a student. For this reason the law of some states prohibits the consideration of petitions in determining the prisoner's fitness. In states as in Michigan where this provision is not in the parole law the reasonableness and propriety of the course are so manifest that it is generally pursued. In a judicious administration of the law the propriety of the parole must be determined from the character and record of the convict, independent of petitions and outside influences.

During the two years ending June 30, 1898, there were paroled from the three prisons 146 prisoners; 53 of them from the state prison; 28 from the Marquette prison, and 65 from the State House of Correction. It should be borne in mind that none of these were paroled till near the end of their terms. The terms of all but 52 had expired before September 1, 1898. As a general thing, these convicts on parole had been at work earning wages from the time they were paroled. The wages of those

from the state prison amounted to \$5,980. It will be further seen that one great purpose of the parole, the getting of the prisoner into a self-supporting condition before final release, has been kept in view.

#### PARDONING POWER.

The executive has, under the constitution and laws of the state, the power to pardon convicts, except for treason and in cases of impeachment. The pardon may be upon conditions.

Constitution of Michigan, Art. 5, Sec. 11.

Howell's Statutes, Sec. 9628 to 9632.

The investigation of applications for pardon is made by a board of five members created for this purpose, denominated the Advisory Board of Pardons. While the power to pardon without the recommendation of the Pardon Board is possessed by the governor, it is seldom exercised save on the recommendation of this board.

#### XVI.

##### WORK.

Question. Is there any distinction made between penal and industrial work? How is it organized? Is it given to contractors or directed by the administration itself? Which system do you prefer and what are the reasons for your preference? Are the products of the labor enough in all or in some prisons to meet expenses? If not, what is the amount of deficit?

Sentences to the prisons for crime always include hard labor. This does not exist in the sentences to the Industrial School for Boys or to the Industrial Home for Girls, but in both of these institutions labor is pursued. In the prisons labor is enforced as an incident to all penitentiary imprisonments both as a punishment and for discipline and reformation. The labor is productive, that is, not merely penal, but profitable, and the income from it inures to the benefit of the state, and goes towards the support of the prison.

Merely penal labor, that is toil with no regard to production, is not pursued in the prisons of this state. Labor that is productive is preferred as better calculated to build up the character of the convict, as he has the feeling that he is producing something of value. It may be just as deterrent as mere penal toil. It makes the prisoner contribute to his own support and saves taxation. The law itself provides that prisoners shall be employed at productive labor, and the warden is required to "use every proper means to furnish employment to the prisoners most beneficial to the state and best suited to their several capacities."

Labor in the prisons is carried on upon the state account as well as under the contract system as is found best for the interest of the state. Prisoners are not assigned to contracts if they can be better employed on state account. There is no difference in the treatment of the convict when employed on contract than when employed on state account. He is never placed under the dominion of the contractor, but remains under the control of the prison keeper the same in the one case as in the other, and enjoys precisely the same opportunities for training, schooling and in all other respects.

The contract system, where it exists in this state, is the limited one. The results are best for the state in general in the industries carried on

upon the contract system. This is due largely to the fact that under the contract system the business enjoys more permanent management by more skillful and experienced foreman and managers, who are appointed for their skill and retained for their successes.

Under present conditions I regard the contract system as best in most lines of work, simply because as these conditions are, it yields the better results. The earnings of the Michigan State Prison have some years paid all expenses, including the salaries of officers and employees. For the two years ending June, 30, 1898, the deficiency, or the expense above earnings, was on an average of \$10,229.87 per year, which is \$12.23 per year for each convict.

As to the question: "What system of work do you prefer and what is the reason for your preference?" a fuller answer seems required.

I understand this question as relating specially to the two systems most common, namely, the one the state account system, where prison industries are carried on by the state as proprietor, where the state owns the shops, furnishes the machinery, supplies the working capital, buys the raw materials, pays the superintendents, sells the product as private corporations do; and the other the contract system where the convicts are hired by contractors who pay the state a given price per day for their labor, the contractors furnishing the machinery, the working capital, the materials and superintendents carrying on manufacturing with convicts for operatives, and selling the products.

The lease system does not exist in this state and the piece price system is only a form of the state account system, so these may be left out of the account.

I say first, I have no prejudice in favor of the one system as against the other. It cannot be said that in the prisons of this state the one is preferred to the other because of any prejudice.

The attitude in this state is that whatever the system of work the convict should never be placed under the control of other than prison officers; and that that system of work should be pursued that is found in fact the best for the state, all things being taken into account. That form of the contract system existing in some of the states where the convict is placed under the dominion of the contractor is deemed objectionable because of this dominion. The treatment of the prisoner should always be, and in this state is the same under the one system as the other. Where this is or can be made the case the prisons should, of course, adopt the system of work that produces in each case the best financial results to the people.

The fact that under the contract system the contractor furnishes the machinery, raw materials and working capital, furnishes and pays the superintendents and is at the expense of selling the products, renders the contract system an advantage to the state in many cases as the state thereby avoids these expenses and escapes the risks and loss of trade. Government is not so well constituted to look after these things, as affairs now are, as private parties.

The greatest obstacle to the carrying on of industries on state account in prisons is, however, the practical difficulty of obtaining and retaining managers of experience and training in all the different kinds of manufacturing carried on. In this age of competition none of these manu-

facturing enterprises succeed in prison or out of it, unless they are in continuous charge of skilled, able and experienced managers.

A more certain mode of securing skilled and successful managers of these prison industries is, to let convicts to contractors *who have the skill* and experience requisite to succeed. In this way each industry comes under the control of a skilled manager.

If all the convicts should be employed on a single large industry, superintendents would be fewer. But diversification is desirable.

Experience is invaluable in business. So is steadiness. It is important that no changes be made save to improve. Successful management must be steady as well as intelligent. As conditions now are, the prison's management of business on state account is liable to more changes than manufacturing by contractors.

These are considerations of much importance.

The statistics relating to convict labor, published by the Department of Labor of the United States, furnish very decisive evidence of the superiority of the contract system in a financial point of view.

Two questions arise: First, is the contract system necessarily less favorable to prison discipline and reform? It may be so in some cases. On the other hand, it may be so administered as to be just as well in these respects as any other system of work. It is so in Michigan. Convicts who work on contracts are subject to the same treatment as others—work the same hours, always under prison keepers, and have the same advantages. So if in any prison the conditions under this system are not as well, they may be made as well without abandoning the system. The limited contract system receives the unqualified approval of many of the best prison men of the world. (Tallack's Penology, p. 206.)

Second, can the disadvantages of the state account system be overcome? Some, undoubtedly, can be. Progress will, no doubt, lessen partisan interference in prison business, and render it possible to have steadier management of prison industries. If the merit system were to prevail in our prisons, so that officers and employees would be selected on their merits and retained, administration after administration, the conditions would enable the state account system to do better than it can now do. As conditions now are, an attempt to force the state account system in our prisons would be followed by loss; and be as it was found to be in another state "a lamentable failure." No system will succeed of itself. Success is dependent on the ability of officers and employees. It will be best that the prison authorities be left at liberty to employ the convicts on contracts as well as on state account so that the best plan can be pursued. As rapidly as conditions render the state account system fitter, the natural result will be to crowd out more and more, the contract system. Among those conditions which I regard as essential to the success of the state account system in our prisons, are the prevalence of the merit system of appointments to prison offices, and the merit tenure of office, no removal save for cause, greater permanency of positions, so that the business may continue in the hands of persons of ability and experience, who may not be removed except for cause, but who may be removed at any time for business reasons. In such case, as in all successful businesses, the managers will owe their appointment to their merit and fitness and

depend on their attention and success for their tenure of office, and not on the favor of party.

One aspersion upon contract labor is undeserved. It is said the contract system is a kind of slavery; and that it makes the convict a kind of slave. Is it any more slavery than when the convict is made to work against his will on state account? If the one is slavery, then the other is also.

The convict is such by his crime, and the constitution in prohibiting involuntary servitude expressly exempts what is imposed as a punishment of crime. The aspersion is such only, and not an argument, and it is undeserved.

An observation often made cannot be accepted. It is said, "suppose one system be better financially, what of it?" That the net cost of prison management is not to be considered I deny. Under some prison systems the net cost, that is expenses above savings, is ten times as great as under others, and the taxation for maintenance of prisons ten times as great per convict. Even if prison men were disposed to overlook this no comprehensive philanthropist and no statesman having in view the well-being of all the community can afford to do so. The difference between systems is in some cases as great as \$167,000 per year on a thousand convicts and that means less comfort and more unsupplied wants on the part of honest taxpayers. If it could be shown that the one system is materially more promotive of reformation than the other that would deserve consideration but would not justify disregarding expense. That the one plan is naturally better for reformation than the other is denied.

In any case the statement that in the comparison of systems the expenses of them is not to be considered is unworthy of the real philanthropist or statesman. The interest and comfort of the innocent and upright are to be considered as well as that of the convict.

The competition of prison work with free labor, though often brought forward as an argument in this discussion of systems, is not actually involved. Objection is made to work on state account as much as to that done under the contract system. It states where the contract system prevails it is aimed at that; where the state account system does it is directed against that.

The objection, if it be an objection, which is denied, applies to both systems equally. It cannot be avoided if convicts produce at all, either for their own consumption or others.

Nor does the making of articles to be used in other state institutions abolish competition. Free labor would supply these state institutions as it has heretofore done if allowed to do so. When the prisons do this, as is contemplated in the state of New York and some other states, this will deprive free labor of a market it has heretofore had. At best this only hides from superficial observers the competition that actually exists, and to hide is not to abolish. No matter how circuitous or direct, how open or concealed the route which prison products take from the prison to other state institutions for consumption, the actual effect on the labor of the country is the same in the end as though the prison products were placed directly on the general market and the state institutions purchased from the general market the articles desired. The proposed plan is an unnatural interference with the liberty of trade that must cause irritation to a part of the people and expense and loss to the com-

munity as a whole, besides inculcating false principles in public affairs. It also calls into being many new salaried officers and employees and calls into use complicated machinery for pricing prison products and transferring them to the other state institutions that must add greatly to taxation. The same opposition will be made to this plan as to any other, and in fact it is just as hurtful to labor as any other, so far as it produces, and so far as it does not produce when it might it is waste.

The fact is, it is as reasonable for convicts to produce as for free men to produce or for the same men when they become free. The convict gains no right to be supported by the State by reason of his crime and the State loses no right to insist he shall support himself because of it. The sense of duty to support one's self is one of which the criminal is most destitute and one the prison discipline must undertake to impart. There is no way this can be so well done as by having him produce, just as the honest laborer does, things that do support. The moral as well as pecuniary effect is best when there is no waste of time or material, when his labor goes the farthest in this useful direction. Public policies must not be based on false principles. The moment we apply to the convict a different system of economics because he is in prison we go astray. When we subject to analysis the plans proposed for abolishing the competition of convict labor we find them based on false principles or expecting results not to be realized. The wiser way for the peace of society and the interest of the State is to place prison industries on the same ground as free industries and defend that. Prison industries to the extent of what they produce contribute to the wealth and greatness of the State and to the comfort and enjoyment of its people the same as though the industries were carried on by free laborers or as though these laborers were free.

It is also said in opposition to the contract system that contractors do not pay as much for the labor of convicts as free laborers command. This, too, has no actual bearing on the question of systems; but if it does the answer is easy. For first the contractors pay *as much as the State can make the convicts earn for the State when they work on State account*, and, second, the State gets as much for the labor of convicts as it is worth under existing conditions when compared with free labor. The government statistics show that convicts produce *only one-third* the value per man on an average that free workmen in the same industries produce. When the labor of convicts is let due advertisement is made and the price is the highest bid. Low as the price is many prison contractors give up their contracts and take their manufacturing out of the prison to be carried on with free labor at the higher wages because they can do better thereby. This has often occurred in the Michigan State prison.

Arbitrary and abrupt changes in the system of work or in the lines of industry pursued are usually detrimental. The detriment arises from many sources. There is the loss of the plant abandoned and of all the experience and skill acquired by convicts and employees. Then there is the cost of the new plant, the interruption of work, the inexperience and want of skill in the new industry with their inefficiency and waste. These and other causes often result in a difference to the people of hundreds of thousands.

These losses may be avoided and in this State will be if we are prudent. The power already exists to pursue the system and line of manufacturing that may be found best. New lines of work can be put in and

the State account system adopted throughout, as fast as found best. The boards are ready to adopt any new line of work or system that may be found actually better or more generally satisfactory than those now pursued. Provision also exists for making articles for other state institutions. This is now done where reason dictates it. The amount of this work will naturally increase if left subject to business principles.

Some states in arbitrarily changing from one line of work to another or from the contract system to the state account system, and in abolishing productive industry in the prisons except in the making of articles for other state institutions, have acted somewhat as though the farmer were to sweep away and destroy the growing crop, without waiting for it to be harvested, in order to put in the next crop. When changes have been due to the opposition to productive industries in the prisons in general, they have usually been made without conforming to business methods and regardless of waste and expense. The promoters of these changes have looked at the abolition of prison industries as the object and not their improvement.

Where the prison boards are authorized to pursue the mode of work that, from time to time, may be found actually best for the State, new systems and lines of work will be made to take the place of existing ones as fast as new ones are found better, without great losses or disturbance. The changes will take place by natural succession as one crop succeeds another, not by the destruction, but by the harvest of the first and the planting and growth of the other.

## XVII.

### THE PERSONNEL OF PRISON ADMINISTRATION.

Political influence, it must be admitted, has at times interfered in the appointment of prison officials. The effect of this has been generally unfavorable.

There are no special schools for the training of employees in this State. While I should regard such a school as calculated to improve the service, in view of the small number to be employed, the advantage would not justify the expense in this State. In a larger territory it might. The business demands expert knowledge. There is great need that the employees be trained men, in this line of work. A misfortune of the situation is that the public does not appreciate this. Trained employees are dismissed and untrained ones put in their positions without appreciating the loss this is to the service.

## XVIII.

### THE FOOD OF CONVICTS.

It is required by the law to be plain, of good quality and sufficient in amount for sustenance. It is so. So the clothing, beds and bedding are plain, of good quality, sufficient and appropriate.

**SANITARY CONDITION OF THE PRISONS:** It is good. Drainage and sewerage are provided, the cell blocks well ventilated, lighted and warmed. The water is of good quality. Cleanliness is enforced. The prisoners bathe once a week.



The theory of the prison administration is that the prisoner will be more efficient in his work, of less expense and more reformable while in prison, and be less likely to become a public charge after release, if maintained in a state of good health—so that economy as well as humanity dictate that while measures sufficiently deterrent be pursued, care be taken also to sustain and preserve the prisoner's capacity for self-support as far as possible.

## XIX.

### AID TO DISCHARGED CONVICTS.

The State has made no provision for the temporary care of discharged prisoners while they are seeking rehabilitation, except this, namely: At his discharge the prisoner receives a small amount, varying in practice from seven dollars and fifty cents to fifteen dollars. This amount is always paid him. If his residence be far from the prison he is always furnished transportation to his home, if it be within the State.

There is a private institution at Detroit for aiding discharged prisoners. This is quite successful.

## SECOND PART.

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Such, then, is a condensed account of the prison system of Michigan. I have some where read that the Duke of Wellington, near the close of his life, was complimented by a lady for his great victory at Waterloo. The Duke replied, "Aye, a great victory it was madam. But a great victory is just better than a great defeat." Doubtless he recalled what that victory had cost: The lives, the treasure, the mountain of debt and the burden of taxation that weighed so heavily on the English nation. He may have said to himself, how much better if the necessity for that battle had not existed. We may say quite the same of the best prisons. It would be better if we could avoid the necessity for them. Since they *must* be, in order to prevent greater evils, our study should be to make them accomplish their purpose as well as possible and at the least expense to the honest members of the community.

### THE TREATMENT OF OFFENDERS PREVIOUS TO THE MODERN PRISON SYSTEM.

It will aid us to understand and appreciate our own system if we glance at some features of the penal systems that have preceded it. Three points of difference between ancient and modern systems deserve mention.

First. In regard to the prison itself.

Second. In regard to the purpose of the imprisonment.

Third. In regard to the view taken of the future of the prisoner.

The prison does not exist in rude, uncivilized ages or nations. Its existence indicates an advance in civilization. We know that prisons existed in Egypt nearly four thousand years ago. Joseph, it is said, was cast into prison with the king's prisoners. Just how the early prisons were constructed I cannot state. Some of the Roman prisons remain so we can state how they were made. They were, sometimes at least, built in the ground, instead of above or on it. Thus the Mamertine prison at Rome consisted of two stories, one below the other, hewed in the rock of the Capitoline hill. Each story constituted an apartment. There were no provisions for cells. The prisoners were let down into these apartments through the openings in the roof by means of ropes. During the medieval ages the king and the baron built prisons in their castles. These are still to be seen in the castles that remain. They were sometimes placed in the tower of the castle. That in the Tower of London is, perhaps, an example of the best. The church dignitaries also had prisons in their edifices. These medieval prisons were not for the confinement of actual offenders only. The baron confined in his prison his subjects and neighboring barons to compel them to yield to his demands. The king sometimes made a similar use of his; the church dignitary of his. Many an honest owner was thereby made to yield his property to the oppressor. Many a great writer was in this way made to recant what

he had written and prevented from publishing it. So the prison was the instrument of oppression quite as much as of correction.

The nature of these prisons is expressively given in the name applied to them. They were called the place of groans, place of the forgotten. The one cast into them was spoken of as having gone to his peace—*vade in pace*, in allusion to the fact that so few came out alive.

Prisoners as a general thing paid for their board themselves. They were generally kept in chains. They were dependent upon their keepers for the permission to go unchained, and for the measure of comfort they were permitted to enjoy even after paying for it. For all these the keeper charged substantially what he pleased. Many prisoners, especially political prisoners, were of high rank and great wealth. These facts enabled the warden and keepers to extort large sums from them. The office of warden became immensely profitable. The two great prisons of London were formerly the Marshalsea and the Fleet. A case reported in the 17th volume of state trials shows that one Huggins obtained the office of keeper of these prisons for life by paying Lord Clarendon the sum of £5,000; that after enjoying it till its revenues had made him and his son wealthy, he sold his office to parties by the names of Bainbridge and Corbet for £5,000; that the cruelties of these keepers exerted largely for extortion were so great that the death of several prisoners resulted, in consequence of which these keepers were tried for murder.

The prisons as Howard found them as late as 1773 have been described by a reliable author as follows: (Ency. Brit. XIX p. 747.) "The prisons of the kingdom were a disgrace to humanity: they were for the most part poisonous, pestiferous dens, densely overcrowded, dark, foully dirty, not only ill-ventilated, but deprived altogether of fresh air. The wretched inmates were thrown into subterranean dungeons, into wet and noisome caverns and hideous holes to rot and fester, a prey to fell disease bred and propagated in the prison house, and deprived of the commonest necessities of life. For food they were dependent upon the caprice of their jailers or the charity of the benevolent; water was denied them except in the scantiest proportions; they were half naked or in rags; their only bedding was putrid straw, reeking with exhalations and accumulated filth. Every one in durance, whether tried or untried, was heavily ironed; women did not escape the infliction. All alike were subject to the rapacity of their jailers and the extortions of their fellows. Jail fees were levied ruthlessly—"garnish" also, the tax or contribution paid by each individual to a common fund to be spent by the whole body, generally in drink. Drunkenness was universal and quite unchecked; gambling of all kinds was practiced; vice and obscenity were everywhere in the ascendant. Idleness, drunkenness, vicious intercourse, sickness, starvation, squalor, cruelty, chains, awful oppression, and everywhere culpable neglect."

I need not stop to contrast with these prisons our Michigan State prison with its 838 apartments, its store rooms, its kitchen, and spacious dining room, warmed, lighted and ventilated, with beds, furniture and books, provisions, I say in passing, not intended to make crime less hateful or dreadful, but a better life easier and more to be desired.

In the modern prison systems the imprisonment is the punishment. Dreadful as the ancient prison was, confinement in it was not counted as any part of the punishment. That was added and consisted of fines

or spoliation of the prisoner's estate, of whipping, of thumb screws, the stock, the rack, mutilation of the hands, the feet, the eyes, the ears, branding with a hot iron, and other tortures compared to which even the prison room was a paradise. These were followed often by the execution of the convict in some painful manner.

The law which prescribed the punishment of offenders among our early English ancestors read as follows: I quote it from Stephen's History of Criminal Law, Vol. 1, page 59:

"Let his hand be cut off or his feet or both according as the deed may be. And if he have wrought yet greater wrong, then let his eyes be put out, and his nose and his ears and his upper lip be cut off."

The case of Stubbs, the Puritan lawyer, will show how readily mutilation was resorted to even in the time of Elizabeth. Stubbs wrote a pamphlet against the proposed marriage of the Queen to the Duke of Anjou. It was entitled "Discovery of a Gaping Gulph" into which England would be plunged by such marriage. The pamphlet was patriotic, in word and spirit, but the author's hand was cut off as a penalty for having written it. The character of the man thus punished was shown when at the close of the operation he waved his hat with the remaining hand and said "God save Queen Elizabeth."

The case of Prynne, not an extreme one indeed, will illustrate the kind and variety of punishments inflicted in more recent times. Prynne, a popular Puritan writer, was convicted of seditious libel in 1634 for fiercely censuring theaters. He was ordered to pay a fine of five thousand pounds, dismissed from the bar (he was a lawyer), deprived of his university degree (he was an educated man), made to sit twice in the pillory, to have both ears cut off, and to be imprisoned for life without books, pen, ink or paper. He suffered much of his punishment, but was released by the Long Parliament from further imprisonment.

In the modern system, efforts are made to fit the prisoner for a life of self-support after the imprisonment ends. In the ancient system the future well-being of the prisoner was not contemplated. To render his future as hard as possible he was frequently disabled by mutilation and branded to indicate forever his crime. Heretics, for example, often had the right hand cut off because it had written the heresy. Those convicted of libel were treated in a similar manner.

The prison system which we now have, constituted for the punishment of offenders after conviction, is recent. John Howard commenced his work to reform prisons and jails in 1773, but it was not till many years after, that the system was made to take anything like its present form. The Auburn penitentiary in the state of New York, opened in 1818, is one of the first institutions erected to carry out the ideas of this system.

#### THE RESULTS OF OUR IMPRISONMENT.

It must be admitted that our penitentiary imprisonments do not effectually reform or permanently deter all who undergo them. At first blush it may be thought that our imprisonments fail, to a greater extent than is the case. On examination we see the failure has been as to some of the purposes only—not as to all. While imprisonment has failed to reform or permanently deter a large number it has prevented them from pursuing a criminal career during the time they were in prison, and that has

been a great and immeasurable benefit to society. While they were in prison the flight of time, by taking them nearer the end of life, has lessened their energy and disposition to commit crime.

Of the prisoners in the penitentiary some will make useful citizens—a larger number, perhaps two-thirds or more, will give society no trouble—the remainder are liable to cause serious trouble in two ways:

First. By the crimes they will themselves commit.

Second. By the perpetuation of their characteristics to descendants.

The first danger is easily seen. The last is not so apparent. But it is actual and great. Some appreciation of its magnitude may be attained by contemplating such cases as the "Jukes family." Ada Jukes was born in New York about 1750. She was a delinquent herself and the mother of a race of paupers, vagrants and criminals. The careers of 709 of her descendants have been traced. Members of the family have been a public charge in the aggregate 734 years. Many have committed crimes from vagrancy to murder. Seventy of them have committed 115 penitentiary offences. Fifty-two per cent of the women of this family pursued disreputable lives. The author of the report on the "Jukes" estimated the public expenses the family had caused previous to 1877 at \$1,308,000. The misery it has caused to victims cannot be estimated. We know it must have been great. The career of the family still continues.

The case described by Professor Belmann of the University of Bonn, Germany, is another illustration. It is that of "a notorious drunkard who died in 1800. His descendants numbered 834. Seven of these were convicted of murder, 76 of other crimes; 142 were professional beggars; 54 lived on charity; 181 of the women lived disreputable lives. The family has cost the German government for maintenance alone in public institutions \$1,250,000."

I may ask in passing, is society without power to guard itself against such evils? Cannot the danger, in some of the most palpable cases at least, be foreseen? The death penalty in former systems prevented, in a great degree these consequences. It is expected that imprisonment will prevent them in ours. In some cases where otherwise they would arise it does so. May not greater forethought and suitable provisions accomplish still more to avert the evil? That the evil is of a magnitude demanding and of a kind justifying preventive measures is manifest. For example in the cases referred to if the careers of these persons and their descendants could have been certainly foreseen society would have been justified, indeed required, to have adopted measures to prevent it. On well recognized principles it does arrest those that threaten to commit crime and puts them under bonds or detains them so long as the danger exists.

#### THE EX-CONVICT.

The conditions that surround the prisoner upon his release are by some made to bear much of the blame for his relapse. These are sometimes serious obstacles to him. Some of these are inevitable and all must be taken into the account in constituting and administering a prison system.

For the convict to find difficulties on his release must not be thought strange. The good encounter obstacles in their laudable pursuits. The convict must encounter them. Some persons seem to think that we must

secure to the released prisoner a reception such as he would be entitled to if he had never been convicted. I do not see how this can be done. All have to go on in life under the reputation they create by their acts. Every good act adds good, every bad damage. I really see no way for the ex-convict to escape the reputation of his criminal acts if he is to remain where he is known, except through reformation. Must he not depend on his reputation for reformation for a favorable reception? Even the promise which religion itself offers to the wicked is based on repentance and an undertaking to sin no more. We would be false to reason and prudence to say crime does not impair a man's standing. We would be untrue to reason and religion if we were unwilling to admit the efficacy of real reformation. But we cannot deny that *he* is only prudent who is careful in regard to one who has once committed a crime. We must also admit, I think that the imprisonment which is a necessity, very naturally results in impairing the ability of some to restrain themselves in a condition of freedom. In prison they have not had temptations before them; they have not had to exercise self-control as in a state of freedom. Their daily living having been supplied without their care, many of them have lost the habit, if they ever had it, of taking thought for the future. While they have been in prison the world outside has changed. They have dropped out of the procession of events in which they once moved. So that they are not in touch with their surroundings. Added to all these things is the further fact that many, perhaps most of the prisoners go out without means and without any work or business provided.

These conditions at least, except the last, are inevitable. They are the result of the man's crime and of our effort to save him by imprisonment instead of putting him to death as the old law did. Societies for aiding released convicts have done much good. They are to be encouraged. The effect is very different when the state assumes this. Would it not increase the evil for the state to make the ex-convict a kind of ward of the state? I think so.

It is possible for even a charity to be so administered as to increase the misery it would relieve.

Whatever is done for the released prisoner, his unfavorable characteristics, his habits of depending upon the public and neglecting efforts for self-support must not be encouraged. He must sooner or later, we all assume, look out for himself. For the state to assume any part of this duty after release only postpones the day, and inclines him to feel more strongly that the state owes him a living and that therefore he need not exert himself to plan or undertake a career of self-support.

Whatever the state does to aid inmates of its penal institutions to meet the conditions after release, should be done before release; and be by way of improving its prison system and not by extending its support to free men *because they were once in prison for crime*. If work is to be provided this is to be done by getting the man at work under the parole system before his term ends; if money, this is to be provided for by allowing the prisoner to have and lay up some part of his earnings in the prison.

#### VISITING THE PRISON FOR CURIOSITY.

In many of the prisons the public are permitted to go through the different shops and apartments for the gratification of their curiosity. Of course they are attended by a guard who is also their guide.

The question has arisen as to the propriety of this. I believe it would be better if this were much more restricted than it now is. Of course, such visitations as are useful to insure the prudent management of the prisons are provided for by law and are to be kept up. I refer to the class of visits that are for sight seeing.

The visiting of workshops belonging to the public, as well as those of private parties, is commonly restricted because of its interruptions of work. The same reason exists at the prison but is not the great reason in the case, which is that the visiting referred to interferes with the purpose for which the prison exists.

That familiarity breeds contempt is an old saying. Such visitors as I here refer to have generally less abhorrence of prison life after such visits than they had before, partly, perhaps, because they do not see the most abhorrent features of prison life. To diminish the bad man's estimate of prison punishment tends to increase the danger of his committing crime. It would be better if he supposed prison life harder to bear than it is.

It may be said that those who visit the prisons are not of the class to need deterrence. This is so. But, after all, the deterrent influence of the prison, its effect as an object lesson, depends in a measure on the public opinion in regard to it. The abhorrence expressed by the good inspires fear of it in the bad. Indeed the reputation of the prison as a place of punishment, is a part of its means for deterring.

No one, so far as I know, considers that such visiting has any tendency to reform the prisoners. We know it sometimes has a tendency to interfere with reformation. A class of criminals take pride in being pointed out as great criminals. To be asked for and stared at makes them proud of their conspicuousness. It begets in this class rather confirmation in crime than contrition and reformation.

The prisoner that loves this notoriety is, I think, the only one that is pleased with the visits of the public, and these are the ones that should be cured of their pride. Others that would hide criminal character are hurt by any recognition as a criminal. Others are clearly rendered worse. The opinion prevails very generally among wardens and prison experts and authors on penology that such visiting is not wise, but on the whole, hurtful.

There is hardly any other country in the world where it is allowed. Isolation is a proper part of prison discipline.

Bentham's Works, Vol. 4, p. 23 to 25.

#### IMPROVEMENTS OF THE SYSTEM.

A system to be effective must be good in its various parts and the action of these must tend in the same direction. To use a homely illustration, an animal perfect in all other respects, may be ineffective because of some defect in one foot. It is somewhat so with systems. I regard our system as good. In this respect Michigan stands among the first of the states. Still it has defects. I will draw attention to some.

First: There could be greater unification. The jails, the reformatories and the prisons might be brought into greater harmony so that the policy pursued in each should co-operate to achieve the same end.

This would require that all the prisons and the jails, as well, should be brought under some common supervision. This is done in some countries.

I recognize the great difficulty that would be encountered in any attempt to bring any such modification about here. The laudable jealousy of our people in guarding their personal and local rights is such that the residents in the road districts insist on controlling the road making in their localities as though they alone were interested in them, and even when they must see that a supervision of road making by an expert engineer having a wide field would result in cheaper and better roads.

A little reflection will convince everyone how totally unfit the county jail is for the treatment of offenders after conviction. The keepers change often and very few have any knowledge of the way to treat offenders in order to prevent their repeating crimes. Nor have the jails any equipment for this treatment. They have no work to do. And we know that the sending of disorderlies to jail has little tendency to lessen disorder—and none to reform the offenders.

The jail, then, should be used to detain accused persons before trial only, and not as a place of punishment after conviction. Provision should exist in the jails for keeping those awaiting trial in separate cells. Criminality is increased by placing young offenders in jail with hardened criminals. Where incarceration after conviction is necessary, it should be in some place where the convict can be treated for a cure—some reformatory or house of correction with work to do.

Second. In my opinion there should be fewer sentences to imprisonment for minor offenses; that more resort should be had to judicial admonition and police surveillance, to releases on suspended sentence, on the first conviction, and to fines. I believe this course would result in less crime and the reclamation of more offenders. A sentence to the jail, to the reform school and the reformatory are not to be imposed without necessity, not to be imposed for minor offences and mere disorderly conduct if other treatment will answer. There will be sufficient occasion to resort to them when other measures fail. I do not mean by this that crime is to be winked at or even treated with leniency undue—but that it should be treated discreetly—the most discreetly possible. Considerable discretion should be allowed the judge and justice in selecting his punishment, because criminals and cases vary so much. Judicial admonition, suspended sentence, fines and imprisonment should be in the hands of the judge. Old Doctor Sangrado, in the Spanish romance administered bleeding for every disease and for all its stages. By the third bleeding the patient wanted the services of the priest to make his confession, and soon the family had need of the undertaker. We should not treat the prison or jail as our only prescription.

I have also thought that among the means for effecting reformation of offenders where the offense was the taking of others property or the doing of some injury, susceptible of pecuniary reparation, restoration and reparation might wisely, in some cases, be insisted on by the magistrate as a condition. Reparation is the most natural way of expressing contrition.

Third. It would be better if the circuit judges would more carefully distribute convicts among the prisons—hardened criminals should not be sent to Ionia. Only first offenders and such as are believed to be reformable should be sent there.



Fourth. Some better mode of procuring jail and prison officials should exist, some merit system of appointments. The business from keeper up to warden requires trained men, educated in this line.

Fifth. It would increase the efficiency of the parole law if the warden were permitted to go or to send some competent officer of his prison to visit occasionally some of the convicts on parole the same as has been the practice of the Industrial School for many years. Some states have a state agent independent of the prisons who does the work of looking after convicts on parole. I do not think that the best way, and it surely is not the most economical way. It is not harmonious or conformable to principle. The prisoner on parole is still a prisoner of the prison from which he went out. The effect will be better if one from that prison visits him while on parole. No new officer or further employee is wanted. Only the power in the warden to incur the traveling expenses required for a keeper, the deputy or himself to visit some, not all, of the men on parole, occasionally when and where need seems to exist.

Sixth. If the court had the power to make the sentence indeterminate in cases where he considered that better for the state, I believe this would add to the efficiency of the system. I do not see the need of making it mandatory that the sentence be indeterminate. Leave it to the discretion of the court. The objection that prison boards are not competent to determine when a convict should be set at large because of reformation, is not a sound one to the plan itself, for the reason that better men can be put on these boards if better ability is required: Men as competent if you please as circuit judges. The possibility of error would remain. But with competent prison boards the errors need not be more than exist in the fixed sentence. I should expect them to be fewer, by reason of the better opportunity of the prison boards, and the number of convicts reformed greater and the number of repetitions of crime by the same men less.

The world has come to regard reformation as one of the purposes of imprisonment. It used to be held that the sole purpose was to mete out to the convict the punishment he deserved. The court may still do this by making the sentence indeterminate, after a certain term to be endured at all events. But how can it be declared in advance with certainty when the convict will be cured of his criminal habit? Does not this new purpose, so much more prominent than formerly, demand that power exist somewhere to determine when this future event happens?

Then, too, there are offenses the punishment of which is solely to prevent recurrence—for example intemperance. In these cases the question is not so much what the prisoner deserves as what will cure him of his habit. Are these not cases where the language of our statute in regard to juvenile offenders, when it provides that the detention shall be "until they are reformed and discharged," may properly be used as to some adults also, alone or with limitations as the court deems best? I think so. This view is entertained by the prison men and penologists of this country. The form of sentence exists in seven of the states and in foreign countries generally. I am not aware that it has been anywhere repealed after having been once put in operation.

Finally the first part of imprisonment for crime ought to be more rigid and deterrent than it usually is, in order that it may accomplish its purpose in shorter time. A long and easy imprisonment is worse upon the criminal than a short and severe one. The latter is better to prevent

repetition of crime. The punishment deemed necessary should be gotten into the shortest space of time consistently possible even if this makes severer discipline necessary for the briefer time. Some humane persons seem to think that measures intended to reform the convict are of most importance. Of all the means for preventing crime and saving criminals, those intended to make them afraid to commit crime easily outrank the others in usefulness.

In contemplating prison systems and methods, the actual character of the persons the system has to deal with has to be taken into account and the purpose kept in view. In ages when prosecutions for political offenses, for political and religious opinions and publications, were common, the prison population was, to a greater or less extent, drawn from the most refined part of society. The patriot, the sage and the prophet were some times found there. It was so when imprisonment for debt was common. Thanks to our more liberal civilization, this is no longer the case. Now the one sent to prison has been adjudged guilty of actual crime and is treated because of that and with reference to the future safety of society. With nearly all the members of society the obligations of morality, respect for law and regard for the good will of others are sufficient restraints. The moral and social laws alone are so powerful with most men that they are quite unconscious of any resort, in their own reflections, to the civil law as a guide or restraint. The desire for approbation alone is a great force with most persons.

“For honor we love.

Who hates honor hates the gods above.”

It has been otherwise with most convicts. They have disregarded the sanctions of moral and social laws and put away fear of the civil law. With such, punishments have to be employed, and where these fail also, imprisonment must be resorted to in order to prevent the commission of crime.

The severest part of the imprisonment ought to be at the first, and for two reasons: The suffering for the crime is thereby brought as close as possible to the crime and is placed in comparison with it. In the next place the same amount of suffering at the first will accomplish more contrition of the convict for his crime than after he has become habituated to prison life. Thus the aggregate suffering is less. The conditions ought to be such that the convict can ameliorate his imprisonment by self-discipline.

The reform in England made some twenty-five years ago adopts this view: The first part of all penitentiary imprisonments is more rigid and severe than ours, while the last part is generally less so. The effect has been beneficial. Our experience tends to show that merely reformatory treatment of adult criminals unaided by deterrent measures, though it may save some offenders, will not protect society so well or save so many from a criminal career as when the treatment is definitely calculated to make the offender afraid to pursue a criminal career. Without the suffering that follows the infraction of law, mortals will fail to appreciate the importance of obeying. The philosophy of correction is given by Herbert Spencer where he says: “A stern discipline pervades all nature, which is a little cruel that it may be very kind. That beneficent though severe

discipline which is pitiless in the working out of good; a felicity pursuing law that never swerves for the avoidance of partial and temporary suffering."

More of the spirit of Herbert Spencer's philosophy in our prison system and administration would tend to greater security. Let the discipline at first be more severe and the sentence correspondingly shorter with a termination devised to reinstate the man in a self-supporting way of life.







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